

TEXAS MIDWIFERY BOARD

Board Policy on Division of Responsibilities

Texas Occupations Code, Sec. 203.103 requires the board to develop and implement policies that clearly define the respective responsibilities of the midwifery board and the staff of the midwifery board.

Responsibilities of the Board

1. The board shall ensure that an effective midwifery regulatory program is carried out using the facilities and staff of the Texas Department of State Health Services (DSHS). The program's primary purpose is to protect and promote the health, safety, and welfare of the citizens of Texas.
2. The board shall be responsible to the public for the overall conduct of board activities and shall exercise its responsibility to interpret its programs and policies to the public and defend its actions.
3. The board shall establish policy to guide the routine operations of the regulatory program and to assist administrative staff in efficiently carrying out the board's objectives. The board shall also provide specialized or technical information and advice specific to the field of midwifery to assist administrative staff in efficiently carrying out the board's objectives.
4. The board shall, with the approval of the Executive Commissioner of the Health and Human Services Commission, adopt rules necessary to administer and enforce the Texas Midwifery Act (the Act; Occupations Code, Chapter 203), including rules that establish standards of practice, guidelines for complaint investigations, and procedures for imposing disciplinary action.
5. The board shall become familiar with the federal and state constitutional provisions, statutes, and regulations directly affecting the board's program. The board shall seek advice and recommendations from its general counsel as appropriate.
6. The board shall provide services and make decisions in the discharge of its statutory authority without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
7. The board shall impose appropriate disciplinary action authorized by law, up to and including license revocation, against a midwife who is found to have violated the Act or the board's rules issued under the Act.
8. The board shall assume responsibility, as appropriate, for implementing legislative amendments to further the existing regulatory program or to provide for new or additional midwifery regulation for the benefit of Texas citizens.
9. The board shall hold at least two regular meetings each year as provided by board rule and shall elect a vice chair in accordance with the Act. Meetings shall be announced and conducted under the provisions of Texas law relating to open meetings.
10. The board shall make all official decisions according to parliamentary procedure as set forth in Robert's Rules of Order, Revised. If a question arises concerning the interpretation of Robert's Rules of Order, Revised, the chair shall make the decision in the matter.
11. The board, with the assistance of its staff, shall keep records and minutes necessary to the orderly administration of the Act and in accordance with applicable law.

The board's records are public documents subject to the provisions of Texas law relating to open records.

12. The board, with the assistance of its staff, shall coordinate and oversee the administration of the provisions of the Act.

13. Board members shall be fair, nonpartisan, and nondiscriminatory in their role of protecting the public. The basis or foundation of all board member decisions shall be in the interest of public protection.

14. Board members shall conduct themselves in a manner that respects the integrity of the board, its processes, and all participants, including board members, staff, documented midwives, and the public.

15. Board members shall not participate in board decisions in which they will realize direct or indirect financial benefit. Board members shall not participate in board decisions in which their bias compromises their objectivity or where an appearance of bias jeopardizes the credibility of the board's decision in the matter.

16. Board members shall not speak or act for the board without proper authorization from the board.

17. Board members shall not be involved in the day-to-day management and personnel issues of the regulatory program unless requested by staff or unless authorized by statute or rule.

18. Each board member should:

- A. understand the board's purpose and have conviction as to the importance of the program;
- B. have the capacity to view the board and the program objectively in relation to changing needs and to be receptive to changes necessary to meet those needs;
- C. understand the board's policy on the difference in function between the board and the staff and work in genuine accord with the policy;
- D. keep informed of developments in the field as appropriate to the work of the board;
- E. attend and actively participate in board meetings, committee meetings, and board training programs, carrying out board assignments promptly; and
- F. become acquainted with the program operation and the staff and make constructive suggestions and criticism regarding the program operation and staff through appropriate channels.

Responsibilities of the Board's Staff

1. DSHS shall provide suitable office space to carry out the provisions of the Act and maintain permanent records.

2. DSHS shall provide administrative, human resources, communications and technology, investigative, clerical, financial, examination, and legal services, structure, and support necessary to operate an effective midwifery regulatory program.

3. The Program Director shall carry out all duties assigned in the Act and the board's rules, and coordinate and execute the operations of the regulatory program.

4. The Program Director shall exercise general supervision over individuals employed in the administration of the Act.

5. The Program Director may delegate duties, but shall not relinquish responsibility for outcomes.
6. Board staff shall conduct themselves in accordance with DSHS policy in their role operating the regulatory program.
7. Board staff shall conduct themselves in a manner that respects the integrity of the board, its processes, and all participants, including board members, staff, documented midwives, and the public.
8. Board staff shall be responsible to the board, DSHS, and the public for the overall conduct of the regulatory program's activities and shall exercise its responsibility to explain the board's programs and policies to the public.
9. Board staff shall enforce or carry out the board's rules necessary to administer the Texas Midwifery Act (the Act; Occupations Code, Chapter 203), including rules that establish standards of practice, guidelines for complaint investigations, and procedures for imposing disciplinary action.
10. Board staff shall be knowledgeable of federal and state constitutional provisions, statutes, and regulations directly affecting the program's operation. The staff shall seek advice and recommendations from the board's general counsel as appropriate.
11. Board staff shall provide services without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
12. Board staff shall not speak or act for the board without proper authorization from the board.
13. Board staff shall handle all correspondence for the board and obtain, assemble, or prepare reports and information that the board may modify or authorize.
14. Board staff shall research, prepare, and recommend to the board rules, policies, plans, and procedures necessary to implement the purposes and objectives of the Act.
15. Board staff shall assemble, review, approve, and maintain materials submitted by applicants for licensure. In some cases, board staff shall request a review by a committee of the board and the committee will make the final decision regarding eligibility of those applicants.
16. Board staff in accordance with DSHS policy shall contract for the examination approved by the board, make arrangements with candidates, proctor the examination and disseminate examination results.
17. The Program Director shall attend all meetings of the board as a non-voting participant.
18. The Program Director shall prepare and submit to each board member, prior to each meeting, an agenda which includes items requested by members, items required by law, unfinished business, and other matters of board business which have been approved for discussion by the chair.
19. Board staff shall prepare and maintain minutes of the board's proceedings and distribute them to staff, board members, the Legislative Reference Library, the Legislative Budget Board, and the Office of the Governor.
20. The Program Director shall be responsible for coordinating and implementing the complaint review and investigation process; for preparing complaints for the complaint review committee; and for presenting verified complaints to the board for disciplinary action. Staff shall also establish and adhere to a schedule for conducting each phase of the complaint process.

21. Board staff shall prepare and provide information to the public regarding the midwifery regulatory program.
22. The Program Director shall be the custodian of the records and files of the board.

Approved November 12, 2001; revised September 13, 2005
Texas Midwifery Board
Austin, Texas